

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

PATRICK HENRY MURPHY, JR.,	§	
	§	
Plaintiff,	§	
	§	
v.	§	CIVIL ACTION
	§	NO. 4:19-cv-1106
BRYAN COLLIER, Executive	§	
Director of the Texas	§	
Department of Criminal Justice;	§	
LORIE DAVIS, Director of the	§	
Texas Department of Criminal	§	
Justice - Correctional	§	
Institutions Division; and	§	
BILLY LEWIS, Warden of the	§	
Huntsville Unit,	§	
	§	
Defendants.	§	

\*\*\*\*\*  
ORAL DEPOSITION OF  
PATRICK HENRY MURPHY, JR.  
JUNE 21, 2019  
\*\*\*\*\*

ORAL DEPOSITION of PATRICK HENRY MURPHY, JR.,  
produced as a witness at the instance of the Plaintiff,  
and duly sworn, was taken in the above-styled and  
numbered cause on June 21, 2019, from 9:10 a.m. to  
10:31 a.m., before Kerrienne L. Bond, CSR in and for the  
State of Texas, reported by machine shorthand, at the  
Texas Department of Criminal Justice Polunsky Unit,  
3872 FM 350, Livingston, Texas, pursuant to the Federal  
Rules of Civil Procedure and stipulations of counsel as  
set out herein or attached hereto.

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A P P E A R A N C E S (CONTINUED)

ALSO PRESENT:

MS. WANGMU DANZENG, Law Intern  
MR. MATT HUDSON, Law Intern

EXAMINATION INDEX

WITNESS: PATRICK HENRY MURPHY, JR.

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1 PATRICK HENRY MURPHY, JR.,  
2 having been first duly sworn, testified as follows:

3 E X A M I N A T I O N

4 BY MS. O'LEARY:

5 Q. Good morning. Will you please state your name  
6 for the record?

7 A. My full name?

8 Q. Yes, sir.

9 A. I'm Patrick Henry Murphy, Jr.

10 Q. My name is Leah O'Leary, and I'm an attorney  
11 with the Attorney General's Office and I represent TDCJ  
12 and its officials in the lawsuit that you have brought  
13 related to the execution procedures.

14 Have you ever been deposed like this  
15 before?

16 A. I've had a video deposition, but that was it.

17 Q. Okay. So I'll kind of go over the ground  
18 rules. This nice lady right here is typing down  
19 everything that anybody in the room says, so make sure  
20 if you have an answer that's maybe "yes" or "no," that  
21 you're not just nodding or shaking your head, because  
22 she can't type that down.

23 A. Yes, ma'am.

24 Q. And that's just for purposes of making sure  
25 that the record is clear.

1                   If I ask a question, then you're free to  
2 think about it, but let's try not to talk over each  
3 other, because, again, it's difficult for her to type if  
4 we are both speaking at the same time. And I'll try do  
5 the same.

6           A.     Yes, ma'am.

7           Q.     Did you -- were you able to have breakfast  
8 that morning?

9           A.     Yes, ma'am.

10          Q.     Have you taken any medication this morning?

11          A.     I'm not on any medication.

12          Q.     Okay. So do you feel confident that you can  
13 give complete testimony today?

14          A.     Yes, ma'am.

15          Q.     Okay. When did you come to TDCJ for the first  
16 time?

17          A.     November 1984.

18          Q.     Okay. And then you came back a second time.  
19 When was that?

20          A.     I left on bench warrant shortly after coming  
21 to TDCJ, went back to Dallas County, and I came back, I  
22 believe, in early December.

23          Q.     Of the same year?

24          A.     Of the same year, yes, ma'am. That was on  
25 a -- just on a bench warrant.

1 Q. How long were you gone for that?

2 A. Maybe a week.

3 Q. Okay.

4 A. It wasn't very -- very lengthy at all.

5 Q. How old were you when you first came to TDCJ?

6 A. I was 23 at the time.

7 Q. And how old are you now?

8 A. I'm 57.

9 Q. Okay. Were you out of prison altogether in  
10 the free world during any of that time?

11 A. No, ma'am. I've been incarcerated the entire  
12 time, except for the escape.

13 Q. Yes, sir. Before you came to TDCJ, did you  
14 live with your family?

15 A. Yes, ma'am, I did.

16 Q. Okay. What parts of your family did you live  
17 together with?

18 A. At the time of my original arrest, my address  
19 was with my aunt, Linda Goodman, in Balch Springs,  
20 Texas.

21 Q. And what was that like, living with your aunt?

22 A. Just a normal family atmosphere.

23 Q. Okay. Did you work at that time?

24 A. Yes, ma'am, I did.

25 Q. What kind of job did you have?

1           A.     I was an electrician's helper for the city --  
2 Jay Electric in Dallas, Texas. I worked there for  
3 several years.

4           **Q.     And is that the job that you held until you**  
5 **came to TDCJ?**

6           A.     Yes, ma'am.

7           **Q.     Before you came to TDCJ, was religion part of**  
8 **your life back then?**

9           A.     No, it wasn't.

10          **Q.     Okay. Was your aunt religious in any way?**

11          A.     Somewhat. She did attend church occasionally,  
12 and I would occasionally go with the family. But it  
13 wasn't -- it wasn't a -- necessarily a part of my life.

14          **Q.     When you first came into TDCJ in the '80s, did**  
15 **you begin practicing any particular faith right away?**

16          A.     Not particularly. I believe I listed -- at  
17 that time, I believe I listed my official religion as  
18 Christianity, but at the time, I was also practicing  
19 meditation and yoga.

20          **Q.     Okay. How did -- who taught you how to do**  
21 **meditation and yoga?**

22          A.     Self-taught through books.

23          **Q.     Okay. So once you came into TDCJ, those were**  
24 **books that were available in the library?**

25          A.     No, they were available through -- you had to



1 write to the organization and get the books from them.

2 **Q. Okay. What kind of organization was it?**

3 A. The Human Kindness Organization (sic).

4 **Q. Okay.**

5 A. The first book was called "We're All Doing  
6 Time" by Bo Lozoff, and he spoke about meditation and --  
7 and doing -- he had one chapter of yoga in his book.

8 **Q. Okay. So you would write to them, and they**  
9 **would send -- did they only have books about --**  
10 **faith-specific books, or was it any kind of books you**  
11 **wanted?**

12 A. It was faith-based books, but it wasn't a  
13 specific faith --

14 **Q. Right.**

15 A. -- because he wasn't advocating a specific  
16 faith.

17 **Q. Okay.**

18 A. It was more advocacy -- advocating the --  
19 the meditation, the peacefulness of the meditation, and  
20 things of that nature.

21 **Q. Okay.**

22 A. But it was not specific to a specific faith.

23 **Q. Do you remember when -- approximately when you**  
24 **changed your faith designation within TDCJ through**  
25 **paperwork?**

1 A. To Buddhism?

2 Q. Well, if you started as Christianity, did you  
3 switch to something else first before Buddhism?

4 A. I can't remember if I actually changed the --  
5 officially before my escape, because at one time, I was  
6 looking at Odinism.

7 Q. Okay.

8 A. And I'm not sure if I ever changed my faith at  
9 that time. And that was in, like, probably the  
10 mid '90s.

11 Q. What was drawing you to Odinism?

12 A. There was a large group of -- of inmates that  
13 were interested in Odinism. We had some books that were  
14 being passed around, and it was somewhat interesting at  
15 the time.

16 Q. So did you attend any of the religious  
17 services for Odinism?

18 A. No, ma'am. We didn't have any organization.

19 Q. Oh, okay.

20 A. It was just, you know, sharing information  
21 back and forth.

22 Q. Okay. What unit was that at?

23 A. It probably began in Ferguson in the early  
24 '90s, and then it continued at McConnell, when I was  
25 transferred to the McConnell Unit, because there was a

1 large group from -- from Ferguson that went to  
2 McConnell.

3 **Q. Besides Ferguson and McConnell, have you lived**  
4 **at any other TDCJ units?**

5 A. The Connally Unit.

6 **Q. Connally?**

7 A. Yes, ma'am. I was at Ferguson from '84 to  
8 '92, from '92 to '95 at the McConnell Unit, the old  
9 McConnell Unit, and then in '95, they opened the  
10 Connally Unit.

11 **Q. Okay. And then when you -- you escaped from**  
12 **Connally. Is that right?**

13 A. Yes, ma'am.

14 **Q. So when you came back, did you come straight**  
15 **to Polunsky?**

16 A. Came straight to Polunsky.

17 **Q. And you've been at Polunsky ever since?**

18 A. Yes, ma'am.

19 **Q. Do you have family or friends that come visit**  
20 **you here at Polunsky?**

21 A. Yes, ma'am. Family, my half-sister, Kristina  
22 Rogers, visits me regularly, and my son, Patrick III,  
23 visits me. My grandson, he comes with my son.

24 **Q. Okay.**

25 A. Friends would be Linda Heughan, Shannon

1 Hutton. Those are the two main -- I've also had a visit  
2 from Switzerland, Angelina Heeb.

3 **Q. Who do you know from Switzerland?**

4 A. Her name is --

5 **Q. Is she a friend?**

6 A. -- Angelina Heeb. Well, she was -- she was a  
7 member of one of the -- like, Lifeline Organization does  
8 pen pals for -- for inmates. And we've been writing --  
9 I really couldn't tell you how long it's been. It's  
10 been many, many years. She was one of my first pen pals  
11 after coming to Polunsky.

12 **Q. So she -- you met her through the pen pal**  
13 **program, and she's actually come here to visit?**

14 A. Yes -- yes, ma'am, several times.

15 **Q. The other friends that you listed, are those**  
16 **people that you met while you were in prison or were**  
17 **they friends before you came to --**

18 A. They were -- they were --

19 **Q. -- TDCJ?**

20 A. -- friends in -- after I came to prison,  
21 specifically to death row.

22 **Q. Okay.**

23 THE REPORTER: Could you make sure she  
24 finishes her question completely before you start to  
25 answer?

1 THE WITNESS: Oh, I'm sorry. Yes.

2 THE REPORTER: That's okay. Thank you.

3 THE WITNESS: Do I need to repeat  
4 anything?

5 THE REPORTER: No, no, no. You're fine.  
6 Just for future. Thank you.

7 Q. (BY MS. O'LEARY) And I'm sorry. You might  
8 have told me the date already, but do you recall when  
9 you switched your religious designation within TDCJ to  
10 Buddhism?

11 A. I was just looking that up, trying to find  
12 that information this morning. My earliest record of  
13 correspondence is a correspondence course from  
14 February 2013. I remember it was a -- so I'm saying at  
15 least probably around 2011, perhaps even earlier.

16 Q. Okay. So you mentioned a correspondence  
17 course that you took in 2013 that was a Buddhist-related  
18 correspondence course?

19 A. Yes, ma'am.

20 Q. Okay. And are you required to take the course  
21 in order to switch your faith designation?

22 A. No, ma'am.

23 Q. Okay.

24 A. You can -- TDC -- you can just switch your  
25 faith designation whenever you want to at TDC. I think

1 it's, like, once every six months. And this -- that was  
2 the only time I've switched to -- my faith designation  
3 since being on death row.

4 **Q. Okay. So the correspondence course that you**  
5 **took is just something that you were interested in?**

6 A. That was probably the beginning of my true  
7 interest in Buddhism.

8 **Q. Okay. When you switched your designation in**  
9 **2011, between that time and when you took the**  
10 **correspondence course in 2013, were you not truly**  
11 **interested in it, to use your words?**

12 A. I was interested, but because I had no -- no  
13 knowledge of Buddhism, so I didn't know how to start.  
14 And at that time, the chaplain's office, when I switched  
15 faiths, sent me a -- three addresses that I could write  
16 to, and one of them was for that one correspondence  
17 course -- I forget the other two addresses -- that had  
18 to do with -- with Buddhism. And the correspondence  
19 course, when I wrote to them, he sent me a resource list  
20 of organizations I could write to for -- about Buddhism.

21 **Q. Okay.**

22 A. And at that time, I wrote several of them, but  
23 because I had no -- no foundation for starting --  
24 looking at it, I had no idea where to start. So I had  
25 too much material at one time, too many books, and so I

1 basically didn't know -- I was confused for a while.

2 Q. Okay.

3 A. Then once I started this correspondence  
4 course, it gave me someplace to start.

5 Q. I understand. So tell me about what you had  
6 to do in order to change your designation, your faith  
7 designation, to Buddhism. You mentioned you went to the  
8 chaplain's office?

9 A. No, I just had to send him an I-60 --

10 Q. Okay. So did --

11 A. -- which is an inmate request form.

12 Q. Did you talk to the chaplain after you sent  
13 the I-60 form?

14 A. No, ma'am, there was no conversation.

15 Q. So how did you receive the addresses from the  
16 chaplain?

17 A. Once I sent him the -- the I-60 requesting my  
18 faith be changed, he then sent me the information about  
19 Buddhism that -- that he had in his office at that time.

20 Q. Okay. So by saying that he sent it to you,  
21 you received some kind of paperwork that had that  
22 material on it?

23 A. Yes, ma'am. It was like one sheet of paper  
24 with three addresses listed on it.

25 Q. Okay. Do you remember who the chaplain was at

1 the time?

2 A. I believe it was Chaplain Collier.

3 Q. David Collier?

4 A. I wouldn't know his first name, ma'am.

5 Q. Oh, okay. I'm sorry. So he did not try to  
6 talk you out of changing your faith designation?

7 A. No, ma'am. I think this was towards the end  
8 of -- of his being on this unit, and he was rather busy.  
9 So I never did -- even though I'd seen him before, I  
10 knew who he was, but he never did come speak to me about  
11 this.

12 Q. Okay. But he offered some resources --

13 A. Yes, ma'am.

14 Q. -- in response to your I-60 request to change  
15 your designation?

16 A. Yes, ma'am.

17 Q. I want to ask you about Reverend Shih. And  
18 please tell me how you pronounce that.

19 A. Reverend Hui-Yong. Hui-Yong.

20 Q. Hui-Yong. Okay.

21 A. Shih, actually, would be the last name, Shih.

22 Q. Okay.

23 A. I think it's like the Chinese equivalent to  
24 Smith.

25 Q. Okay. So --



1           A.     So -- but we refer to him as Reverend  
2 Hui-Yong.

3           **Q.     Hui-Yong. Okay.**

4           A.     Yes, ma'am.

5           **Q.     Let me write that down, because I will forget**  
6 **how to say it. Hui-Yong. You said "we" refer to him**  
7 **that way. Who is "we"?**

8           A.     Actually, I think he's visiting six inmates on  
9 death row now, and I know all of them.

10          **Q.     How did you first meet Reverend Hui-Yong?**

11          A.     I had a secondary correspondence course I had  
12 signed up for, and they sent me a listing of the  
13 Buddhist temples in Texas. Not all the Buddhist  
14 temples, but probably the major temples in Texas.

15          **Q.     Okay.**

16          A.     And I believe, like, one of the -- one or --  
17 the first or second address on the list was the Jade  
18 Buddha Temple in Houston, Texas. So I wrote to them --  
19 I think it's actually listed as the Texas Buddhist  
20 Association.

21                     And I wrote to them requesting information  
22 about Buddhism, and they referred -- passed my letter on  
23 to the reverend, because the reverend is -- is English,  
24 or he's -- he's a native Texas, so he was able to  
25 correspond with me in English. So that's how I first

1 came to -- I also found an early letter from him that  
2 was dated June 2013.

3 **Q. Okay. So you know that at least in June of**  
4 **2013, you had started communicating with?**

5 A. Corresponding with him.

6 **Q. When you wrote to that particular temple where**  
7 **Reverend Hui-Yong was, what were you hoping to get?**  
8 **Just additional written materials or something else?**

9 A. I'm really not -- couldn't recall what my  
10 reason for writing them was. Because they -- I think  
11 because they were in Houston, perhaps they could send a  
12 minister to -- or a teacher to speak to me, you know.

13 **Q. Do you know if Reverend Hui-Yong lives in**  
14 **Houston?**

15 A. Oh, yes, ma'am.

16 **Q. He does. Okay. Do you know if he does**  
17 **anything as a job besides working with the temple?**

18 A. No, ma'am. He's a retired Marine veteran,  
19 Vietnam, and he's on VA benefits. So that's -- that's  
20 his source of income there along with the temple.

21 **Q. And when he first reached out to you in**  
22 **response to your inquiry to the temple, what did he say?**

23 A. It was just general correspondence, trying to  
24 figure out what it was I was looking for. And I was --  
25 basically, I was looking for a teacher of Buddhism.

1 Q. Okay. So you told him as much?

2 A. Yes, ma'am.

3 Q. And do you remember how long after you started  
4 corresponding with him that he came to visit you for the  
5 first time?

6 A. It was -- I want to say it was almost a year,  
7 perhaps even longer.

8 Q. Were you corresponding frequently by letter?

9 A. I would -- yes, ma'am, at that time.

10 Q. Maybe -- were you sending a letter -- I'm  
11 sorry -- sending a letter every week?

12 A. I wouldn't say every week, but I would say  
13 possibly monthly --

14 Q. Okay.

15 A. -- just to be on the safe side.

16 Q. And when you were corresponding with him  
17 before you met him, did you know of any other offenders  
18 here at the unit who were also corresponding with him?

19 A. No, ma'am. I was the first.

20 Q. So did you introduce him to the six -- five or  
21 six others here that also correspond with him?

22 A. No. As a matter of fact, the other men were  
23 introduced by their visitors in the visitation room.

24 "Oh, there's a Buddhist monk. Would you like to visit  
25 with the Buddhist monk?" And that's how he began

1 visiting others.

2 Q. Does he wear traditional robes that make it  
3 obvious that he is --

4 A. Yes, ma'am.

5 Q. Okay. Has he ever -- well, let me ask you  
6 this: When he comes to visit you, does he -- do you  
7 pray together or does he just kind of lecture you about  
8 what Buddhism is about and what Buddhist people believe?

9 A. With myself and the reverend, it's more of a  
10 general conversation. We -- we do speak about Buddhism  
11 and the different points of Buddhism. He does instruct  
12 me in that. But our -- our visitation also is more  
13 along the lines of just general life, you know,  
14 visitation, because we were both -- we were both  
15 soldiers. So we often talk about being in the military,  
16 things of that nature. But we do -- I do get  
17 instruction from him about Buddhism.

18 Q. So would you describe your relationship?  
19 Would you say he's a friend?

20 A. No. He's a minister first --

21 Q. Okay.

22 A. -- and friend secondary.

23 Q. Do you consider the discussions about your  
24 military background or about life in general -- do you  
25 think that is part of him ministering to you?

1 A. There -- there are times when we use it as  
2 examples; for instance, when we're discussing trying to  
3 live by the precepts of Buddhist. Precepts are like --  
4 you could compare them to, like, the Ten Commandments.

5 **Q. Okay.**

6 A. And we often discuss living by the five basic  
7 precepts of Buddhist.

8 **Q. Do you know what those are?**

9 A. Yes, ma'am.

10 **Q. Would you tell them to me?**

11 A. They are: Do not kill, do not steal, do not  
12 lie, do not use intoxicants, and do not have  
13 inappropriate sex.

14 **Q. So do not kill, do not steal, do not lie, do**  
15 **not use intoxicants, and do not have inappropriate sex?**

16 A. Yes, ma'am.

17 **Q. Okay. Now, you mentioned Chaplain Collier**  
18 **earlier. Was he the chaplain here at Polunsky for**  
19 **several years while you were also here?**

20 A. Yes, ma'am.

21 **Q. Okay. And so you know that he's retired now?**

22 A. I didn't know why he left, but --

23 **Q. Okay. Before he left, did you speak to him**  
24 **frequently?**

25 A. Chaplain Collier was perhaps the last chaplain

1 for Polunsky Unit to regularly visit the men on death  
2 row, and --

3 **Q. He mentioned that you liked to read.**

4 A. Oh, yes, ma'am. I would write to his office,  
5 and he would send me books quite often.

6 **Q. I think he said that you enjoy history books  
7 and that you could read through them really quickly.**

8 A. Well, I read just about anything, and I -- and  
9 if it's a well written book, I can -- I can read  
10 500 pages a day.

11 **Q. So when you requested books and the chaplain  
12 had them sent to you, they weren't necessarily religious  
13 books?**

14 A. No, ma'am. He had access to fictional books  
15 and other -- other materials, but he also had a very  
16 good library on religion, faith-based books.

17 **Q. Did you request religious books sometimes, as  
18 well?**

19 A. No, because I had a good source of books  
20 through my correspondence, not with the reverend, but  
21 through other organizations. As a matter of fact, I  
22 even donated books to the chaplain.

23 **Q. Was he happy to accept them?**

24 A. Well, he never did respond about them.

25 **Q. Okay. They were books about Buddhism?**

1 A. Buddhist, yes, ma'am.

2 Q. And so you had them sent to the chaplain, and  
3 you assume that he incorporated them in --

4 A. He put them on his bookshelf or, you know,  
5 where inmates have books that they can use.

6 THE REPORTER: Once again, if you could,  
7 let her finish her question before you answer.

8 THE WITNESS: I'm sorry.

9 THE REPORTER: That's okay. Thank you.

10 Q. (BY MS. O'LEARY) Aside from asking for books  
11 and him having those sent to you, what other  
12 interactions did you have with Chaplain Collier?

13 A. At some point after I changed my faith -- TDC  
14 allows different faiths to have certain religious items,  
15 such as the -- the bead -- the prayer beads I'm wearing  
16 now. And I was attempting to order religious items, but  
17 my -- my first order was denied because it was just -- I  
18 had no idea what to be ordering, and it was just over  
19 the top. So they just denied the entire order.

20 Buddhism -- Buddhism has -- the prayer  
21 beads are listed as an official item. A prayer rug and  
22 a yoga mat is also listed. And I was, at one time,  
23 trying to get the yoga mat to help me practice with  
24 yoga, but that's been denied to -- that's been denied to  
25 solitary practitioners. That's only for group practice.

1 Q. Okay. So is it the chaplain that reviews  
2 those requests for religious items?

3 A. Yes, ma'am.

4 Q. Okay. And so you said your first request was  
5 denied because it was over the top. It was -- was it  
6 because you were requesting things that were not  
7 approved items?

8 A. Yes, ma'am.

9 Q. Okay.

10 A. Yes, ma'am.

11 Q. Other than assessing the appropriateness of  
12 the religious items you were requesting, would you agree  
13 that Chaplain Collier was helping you or working to  
14 facilitate what items you could have?

15 A. Oh, yes, ma'am. He was actually very helpful  
16 at the time.

17 Q. Before, you said that he was one of the last  
18 chaplains to come around and visit on death row. Can  
19 you describe what he would do when he would come visit?

20 A. He would often come -- have, like, one of them  
21 small clear plastic backpacks with materials, and he  
22 would bring them around, visit different men, and hand  
23 out religious faith-based material or even, you know,  
24 the fictional books people had requested.

25 And he would -- you know, he would try to



1 visit, like, people in all six pods of the building, the  
2 entire building. Of course, you can't visit all 504  
3 cells, but he would visit a significant number.

4 **Q. He wasn't only visiting the Christian**  
5 **offenders, was he?**

6 A. Oh, no, ma'am. He would visit anybody who  
7 wanted to speak to him, you know.

8 **Q. Did you ever want to speak to him when he was**  
9 **coming around?**

10 A. I never requested specifically to speak to  
11 him, but whenever he did, I was always cordial towards  
12 him and -- because -- polite. And whenever he came  
13 around, I was always polite towards him.

14 **Q. Did you ever talk to him about life or your**  
15 **background or the Texas 7 incident? Did he ever talk to**  
16 **you about that stuff?**

17 A. I know I never spoke about the Texas 7 with  
18 him, but, you know, maybe -- perhaps we might have had a  
19 couple brief conversations about life in general.

20 **Q. And I'm sorry. If you would like some water,**  
21 **since you're doing all the talking --**

22 A. I'm fine.

23 **Q. -- we have some water here, so just ask if you**  
24 **need some.**

25 A. Thank you. I'm good. Thank you.

1           **Q.    After Chaplain Collier left, who became the**  
2 **primary chaplain that you deal with?**

3           A.    I believe it was Chaplain Vitalia (phonetic).

4           **Q.    Vitalia?**

5           A.    But I'm not sure -- Vitalia. I'm not sure how  
6 you pronounce the name. But I do know he was a deacon  
7 in the Catholic church.

8           **Q.    When Chaplain Collier was still here, do you**  
9 **know of any offenders who were some other faith that he**  
10 **was helping to get them items or books and things like**  
11 **that, besides Buddhist and besides Christian?**

12          A.    I would say that just about -- well, anybody  
13 who wanted a religious item had to go through the  
14 chaplain's office. It had to be approved through the  
15 chaplain's office. So off the top of my head, I know of  
16 two men that -- maybe three men that have yoga mats that  
17 were approved before they shut that door on them. And  
18 there's -- the Wiccans -- there's several who are  
19 Wiccans on death row. They have religious items.

20          **Q.    Okay. And so it would have been the chaplain**  
21 **that helped to get them those items?**

22          A.    Yes, ma'am. They -- all requests for  
23 religious items have to go through the chaplain's  
24 office.

25          **Q.    And it sounds like he also helps to get books**

1 and things even that are not of a religious nature. Is  
2 that right?

3 A. If -- if he has them available in his office,  
4 yes, ma'am.

5 Q. What do you think Chaplain Collier's role was  
6 when he was here? What was he supposed to do?

7 A. Are you asking my personal opinion?

8 Q. Yes.

9 A. My personal opinion is that the chaplain's  
10 role is to -- to help with your -- with your spiritual  
11 life, regardless of what your faith is. And I believe  
12 Chaplain Collier tried to do that with the -- with all  
13 of the -- with all of the faiths.

14 Q. Do you think it was helpful to have him there  
15 to help you get items, help you get information?

16 A. Oh, it had to be, you know. As a good  
17 example, Chaplain Vitalia, he never came back to visit  
18 people, even if we requested information. They would  
19 just send it to us in the mail.

20 Q. Okay. So maybe --

21 A. I've never -- I don't -- I can't remember the  
22 last time I saw Chaplain Vitalia on death row.

23 Q. So it's fair to say that some chaplains are  
24 better than others?

25 A. Yes, ma'am.

1           **Q. Did you ever talk to Chaplain Collier about**  
2 **Buddhism and tell him about your new faith?**

3           A. No, ma'am. He -- we never did have that kind  
4 of discussion.

5           **Q. Let's -- let's switch gears and let's talk**  
6 **about your experience when you had your previous**  
7 **execution date. If Chaplain Collier was still here and**  
8 **not retired, is he someone that you would want to be**  
9 **there at the Huntsville Unit to help you get things that**  
10 **you need or anything like that?**

11          A. You mean in the death house?

12          **Q. Yes.**

13          A. Looking on my experience there on the 28th,  
14 their role basically was -- and there was four chaplains  
15 there at one time. I think their role at that time was  
16 basically just try to keep -- make -- keep me calm and  
17 help me with phone calls and things of that nature.  
18 Would I have preferred Chaplain Collier to have been  
19 there? I'm not sure. Perhaps so, because I did know  
20 him. But he -- I don't think it was a very significant  
21 role, either.

22          **Q. Okay. You mentioned that there were four**  
23 **chaplains. Do you know their names?**

24          A. I don't know their -- I can't recall their  
25 names, but one of them was the director of chaplaincy.

1 Q. Does Chaplain Jones sound familiar --

2 A. Yes, I believe so.

3 Q. -- as the director? Okay.

4 A. The other one was the chaplain from the Walls  
5 Unit. I couldn't tell you their -- his name.

6 Q. Okay.

7 A. And there was two volunteers.

8 Q. Okay. Walls Unit chaplain and two volunteers.

9 What do you mean by "volunteers"?

10 A. They -- from what I understand, they were  
11 perhaps from other units, but they weren't -- they  
12 were there at that time just as volunteers.

13 Q. What made you think they were there as  
14 volunteers? Or what does that mean, that they are  
15 volunteers?

16 A. They normally wouldn't be assigned to that  
17 job.

18 Q. Okay.

19 A. And that was the impression I had.

20 Q. How did you know they were chaplains?

21 A. They introduced themselves as chaplains.

22 Q. Okay. Now, you said -- you mentioned before  
23 that their main role was to just keep you calm and to  
24 help you make phone calls. Did they help you do  
25 anything else?

1 A. Well, they basically just kept me company  
2 while we waited. It was a conversation.

3 Q. Did they ask if you wanted to talk about  
4 anything?

5 A. Specific reference, did they ask for anything?

6 Q. Or maybe --

7 A. They may -- they might have just -- you know,  
8 I want to say just, you know -- you know, just, I  
9 guess -- I can't think of what I'm trying to say. It  
10 was just, like, simultaneous conversation. You know,  
11 not specifically -- anybody asked anything specifically,  
12 but we were just being polite.

13 Q. Okay. At some point when you were taken to  
14 the Huntsville Unit, did one -- at least one of the  
15 chaplains sit down with you and kind of tell you what to  
16 expect through the process?

17 A. I believe it was -- did you say Chaplain Gray  
18 was the director of chaplaincy?

19 Q. Chaplain Jones is the director of chaplaincy.

20 A. Oh, Chaplain Jones. Okay.

21 Q. Yes, sir.

22 A. Chaplain Jones did visit on death watch a  
23 couple times while I was on death -- waiting for my  
24 date.

25 Q. When you were still here?

1           A.     Yes, ma'am, in Polunsky. And he did give a  
2     general outline about what things would happen and with  
3     the hospitality house, with the families. So he -- he  
4     was helpful in that nature. And, also, in the death  
5     house, the -- he did not speak that much about the  
6     procedure and things of that nature. The one who spoke  
7     about that would have been the director and the wardens  
8     when they came to visit me. They specifically talked  
9     about what -- what was -- the procedure was and what was  
10    going to happen.

11           **Q.     Did anyone tell you that the chaplains are**  
12    **here if you need anything, they're kind of the ones to**  
13    **ask?**

14           A.     Right. I think -- I think that was the --  
15    Chaplain Jones who said that, you know. That was -- if  
16    I needed anything, any food or drink, they were usually  
17    the ones who brought it to me.

18           **Q.     Okay. Did you ask them to bring you any**  
19    **religious texts or anything like that from your**  
20    **property?**

21           A.     No, ma'am, I did not. I didn't realize I  
22    could ask for that.

23           **Q.     Did you have a religious text in your**  
24    **property?**

25           A.     All my property was there, and, yes, I did

1 have religious texts in my property.

2 **Q. Did any of the chaplains deliver any messages**  
3 **from you to your family in the hospitality house?**

4 A. Not to the hospitality house. There was one  
5 incident. I have a younger half-sister, Sheryl. She's  
6 in a nursing home in Indiana, and she had called the  
7 prison to try to speak to me. And there was messages  
8 back and forth there, asking if I wanted to speak to my  
9 sister, and, of course, I wanted to speak to my sister.

10 **Q. So it was the chaplain that was helping you**  
11 **facilitate that phone call?**

12 A. Yes.

13 **Q. Did you make other phone calls?**

14 A. Oh, yes, ma'am.

15 **Q. And was it one of the chaplains that helped**  
16 **you make the other phone calls, as well?**

17 A. Yes, ma'am.

18 **Q. Okay. Did any of the chaplains sit down and**  
19 **say anything about, "Are you sure you don't want to**  
20 **convert back to Christianity," or, "Do you want me to**  
21 **read to you from the Bible," anything like that?**

22 A. It was not specifically stated, but I  
23 definitely felt pressured to make a conversion.

24 **Q. Specifically how?**

25 A. After 5:00 o'clock, they more or less -- they



1 take the phone away from you at 5:00 o'clock. The food  
2 is taken away from me. I don't know if I could actually  
3 have had more food if I wanted to, but the food I was --  
4 the plate I had was taken away from me.

5 And then the chaplains came and sat --  
6 actually physically sat down in front of my cell and  
7 began talking to me after 5:00 o'clock. And at that  
8 time, it was -- at first, it was just general  
9 conversation. And --

10 Q. What kind -- sorry. Let me kind of break it  
11 up.

12 The general conversation, what were they  
13 talking about?

14 A. It would be very difficult to be specific  
15 about -- I'm just saying general, polite conversation.

16 Q. Okay. Did you get the feeling that they were  
17 just trying to keep you calm, like you said before?

18 A. Yes, ma'am.

19 Q. Okay. So besides the general conversation,  
20 what else did they talk about? Or did you -- did you  
21 want to talk about something that you brought up?

22 A. I really don't recall anything that I  
23 specifically brought up about -- the -- the  
24 conversations almost always, at one point, would turn  
25 towards religion and -- or different faiths.

1           **Q.     Different faiths?**

2           A.     Yes, ma'am.

3           **Q.     Like Buddhism?**

4           A.     Buddhism and Christianity, because I'm dealing  
5 with two Christian chaplains there.

6           **Q.     Okay. Do you recall saying to someone that**  
7 **you considered yourself Buddhist-Christian or**  
8 **Christian-Buddhist?**

9           A.     I've often received to myself in that manner,  
10 yes, ma'am, because I have a Christian background.

11          **Q.     So can you be specific about how the**  
12 **conversation turned to different faiths?**

13          A.     I think one of the chaplains may have asked me  
14 about my background.

15          **Q.     About your background, or did he ask you what**  
16 **is your religion?**

17          A.     He may have asked me what is my religion.

18          **Q.     Okay.**

19          A.     Okay? And we began talking about Buddhism a  
20 little bit and why I would convert to Buddhism.

21          **Q.     Was he listening and kind of asking you**  
22 **questions to --**

23          A.     To kind of --

24          **Q.     -- facilitate the conversation?**

25          A.     Yes, ma'am. Yes, ma'am. And at one point,

1 the conversation turned to, like, my -- my personal --  
2 my youth, when -- talking about, you know, when I was a  
3 Christian, attending churches.

4 **Q. Okay.**

5 A. Yeah. And even though it was never  
6 specifically stated, like, "Would you like to convert  
7 again," that question never actually came up. But there  
8 was an underlying current of a little bit of pressure.  
9 "Are you sure you" -- "are you sure you're on the right  
10 path you want to be on?" You understand what I'm trying  
11 to say? It was --

12 **Q. Well, is that what they said? I'm not sure I**  
13 **understand the undercurrent.**

14 A. It's -- I'm not -- I'm not sure what the  
15 specific wording was, but I did feel pressured to make a  
16 last-minute conversion to Christianity, maybe, you know,  
17 confess my sins and accept Christ.

18 **Q. Okay. But they never said: Do you want to**  
19 **convert to Christianity and --**

20 A. No, it was never --

21 **Q. -- accept --**

22 A. -- never specifically stated.

23 THE WITNESS: I'm sorry. I'm sorry about  
24 that.

25 THE REPORTER: It's okay.

1 Q. (BY MS. O'LEARY) They never said: "Do you  
2 want to accept Christ?"

3 A. No, ma'am.

4 Q. They never said: "Do you want to confess your  
5 sins" --

6 A. No, ma'am.

7 Q. -- "or convert to Christianity?"

8 A. No, ma'am.

9 Q. So when they were -- when you -- the  
10 conversation went to talking about your youth and you  
11 were maybe Christian when you were a youth, did that  
12 conversation come from them just kind of asking, "How  
13 did you grow up? Tell me about your life before  
14 prison"?

15 A. Yes, ma'am, that's how the conversation came  
16 up.

17 Q. On that day, did Reverend -- I'm sorry --  
18 Reverend Hui-Yong come visit you?

19 A. Yes, ma'am, he did.

20 Q. Okay. And did he visit you for about an hour  
21 in the holding area?

22 A. I believe it was more like 30 minutes.

23 Q. Okay. And then did you talk to him about how  
24 your lawyers were trying to get you a stay?

25 A. We -- we may have -- of course, he already

1 knew about that.

2 **Q. How did he know about that?**

3 A. Because they -- my attorneys had already  
4 spoken to him about the -- the issue. So he was  
5 familiar with that. But our conversation at that time  
6 was basically -- he was just checking on my -- my mental  
7 and spiritual health, you know, making sure I -- you  
8 know, I was okay, how I was handling it or how I was  
9 doing. And I have to say I was very calm about the  
10 whole situation, very -- very at peace.

11 **Q. Okay. And at some point the reverend had to**  
12 **leave the holding area, correct?**

13 A. Yes, ma'am.

14 **Q. Okay. Was he planning to stay and go into the**  
15 **witness room?**

16 A. Yes, ma'am, he was my spiritual advisor in the  
17 witness room.

18 **Q. When he left the holding area, did you feel**  
19 **like you wanted to talk to him some more?**

20 A. I think it could have been helpful.

21 **Q. Okay.**

22 A. I would have rather had conversation with my  
23 reverend than with the chaplains I had there, yes.

24 **Q. Do you feel like you know him better than the**  
25 **chaplains that were there?**

1           A.     I don't think it's a case of necessarily  
2 knowing the person, but the reverend would have been  
3 very helpful to -- we -- excuse me. With -- our branch  
4 of Buddhism is called Pure Land Buddhism.

5           **Q.     Okay.**

6           A.     Okay? And in Pure Land, we practice what we  
7 call Buddha recitation, and that's basically reciting  
8 the Buddha's name. We do this to help in our meditation  
9 and our focus. I feel that the reverend being back  
10 there with me would have been helpful, that he could  
11 have led me or helped me with the chant, to help me  
12 continue my focus on Buddhism.

13           **Q.     Did you -- once he left the holding area, did**  
14 **you call him so that you could continue talking to him**  
15 **and reciting the chants?**

16           A.     No, ma'am, I did not call him.

17           **Q.     Did you ask to call him?**

18           A.     No, ma'am, I didn't. I could have, because he  
19 was at the hospitality house, plus I had his phone  
20 number, you know. So I could have called him, yes,  
21 ma'am.

22           **Q.     Did you make other phone calls during that**  
23 **time after he left?**

24           A.     Yes, ma'am, I did.

25           **Q.     Okay. When the reverend was there meeting**

1 with you, do you know where the chaplain was, or the  
2 chaplains?

3 A. No, ma'am, I do not.

4 Q. Did they --

5 A. They were not --

6 Q. -- disappear?

7 A. -- in my sight.

8 Q. Do you know if they went to talk to your  
9 family?

10 A. I would assume that they did, but I'm not  
11 sure.

12 Q. They didn't -- did they bring any messages  
13 back from your family when they returned?

14 A. No, ma'am.

15 Q. Okay. After the reverend had to leave the  
16 holing area, did the chaplain continue to ask if you  
17 needed anything, if you wanted coffee, or if you wanted  
18 to talk?

19 A. Yes, ma'am, they -- they did continue to bring  
20 me food and drink and help me with the phone calls.

21 Q. Okay. In Pure Land Buddhism, you said that  
22 the meditation is reciting the Buddha's name?

23 A. Yes, ma'am.

24 Q. I assume you don't mean just saying "Buddha"  
25 over and over again? And I -- please excuse my

1 **ignorance. I'm not trying to be funny.**

2 A. Oh, no, I'm not -- it's -- a basic chant is  
3 "Amituofo."

4 **Q. Okay.**

5 A. It's Chinese. I have no idea what it -- what  
6 it means.

7 **Q. Okay.**

8 A. "Fo" is the end of the Buddha's name, where we  
9 put more stress on the "fo" part. And one of the ways  
10 that we do this is we just say -- say that over and over  
11 again, "Amituofo, Amituofo, Amituofo." And I  
12 often use -- using my beads in meditation, will say it  
13 with each bead. And I have -- my -- my mala has 108  
14 beads.

15 **Q. So does that help you calm yourself and**  
16 **meditate, when you use your beads and recite that**  
17 **phrase?**

18 A. It helps me -- my focus, because the whole  
19 idea is to focus upon the Buddha.

20 **Q. And that's something that you practice now on**  
21 **your own in your cell?**

22 A. Oh, yes, ma'am.

23 **Q. I want to talk a little bit about the things**  
24 **that you're asking for as part of your lawsuit. What do**  
25 **you want to get out of all of it, filing your lawsuit?**



1           A.     Well, I believe the lawsuit has to deal with  
2     having a minister in the actual execution with me, and  
3     that -- that is it. That's what I'm asking for. And  
4     the reason why is to help me with -- I believe his  
5     presence will help me with the focus for my transition.

6           **Q.     So is that all you're asking for as part of**  
7     **your lawsuit?**

8           A.     That's all I'm asking.

9           **Q.     Okay. So if you could have it the way that**  
10    **you wanted it in the execution chamber, what exactly**  
11    **would the reverend do in that room?**

12          A.     I believe he would probably just chant --  
13    chant along with me as I was -- as I was chanting.

14          **Q.     And would you envision that you would recite**  
15    **the chant that you just taught to me?**

16          A.     Yes, ma'am.

17          **Q.     Okay. Would you want him to touch you in any**  
18    **way?**

19          A.     No, ma'am.

20          **Q.     Okay.**

21          A.     Our -- Buddhism -- as a matter of fact, I  
22    requested that I not be touched for seven minutes on my  
23    death, just representative of -- Buddhism, they actually  
24    prefer seven days of not being touched. But I'm not  
25    going to get that, so seven minutes was more or less a

1 representation of the seven days.

2 Q. And did TDCJ agree to the seven minutes?

3 A. Yes, ma'am.

4 Q. So in the execution chamber, if the reverend  
5 was in there, do you say these chants with your eyes  
6 closed or would you look at each other and say the  
7 chants?

8 A. No, ma'am. I wouldn't even say that I  
9 might -- I would chant with my eyes closed. Probably  
10 with my eyes open. And we wouldn't necessarily be  
11 looking at one another, you know, but I would hear him,  
12 you know.

13 Q. Okay. So is hearing him what is important to  
14 his presence?

15 A. I think knowing he is there is what's  
16 important. It's more -- more relaxing to -- you know,  
17 knowing that he is there to represent our faith and help  
18 me in this transition.

19 Q. Okay. Is there any significance in your  
20 beliefs to how many inches he has to stand away from  
21 you? Like, does it need to be 7 inches from you or  
22 anything significant that about?

23 A. No, ma'am.

24 Q. Okay.

25 MS. O'LEARY: Could we take just a

1 five-minute break off the record?

2 (Break from 10:02 a.m. to 10:10 a.m.)

3 Q. (BY MS. O'LEARY) Okay, Mr. Murphy. I want to  
4 talk about the days when you had your first execution  
5 date and you were still at the Polunsky Unit. Do you  
6 receive your date about 30 days out, or is it -- do you  
7 know your date with more time than that?

8 A. Actually, I received notification either the  
9 very first -- first week of December or the last week of  
10 November. It was after Thanksgiving.

11 Q. Okay. So you had your date in advance?

12 A. Yes, ma'am.

13 Q. When you get close to about 30 days out, does  
14 the visitation schedule change for you? For example,  
15 what I mean is are you allowed more spiritual advisor  
16 visits or more family services, if you know that?

17 A. I wouldn't know about 30 days out. Okay? The  
18 week of the execution, with -- my execution was on a  
19 Thursday. The warden allowed me all-day visits on  
20 Monday and Tuesday, and then Wednesday I had a half day  
21 of visits and then Thursday I had a half day of visits.

22 Q. Okay. On Wednesday, do you understand -- do  
23 you know anything about media day being on Wednesday?

24 A. Yes, ma'am.

25 Q. Okay. Were you interviewed by media on that

1 **Wednesday?**

2 A. No, ma'am. They would -- they did not  
3 schedule any that last week.

4 Q. Okay. So you had all-day visits for two days  
5 and then a half day and then a half day?

6 A. Yes, ma'am.

7 Q. Okay. And during those all-day visits, you  
8 are allowed to meet with your outside spiritual advisor  
9 for the whole time if you want to, right?

10 A. Yes, ma'am. He was here every day.

11 Q. Okay. And did that help you to start to focus  
12 and --

13 A. Yes, ma'am.

14 Q. -- as you described to me before?

15 A. Yes, ma'am.

16 Q. Okay. And then on the day that you are  
17 actually brought to the Huntsville Unit, you're allowed  
18 visitation in the morning while you're still here at  
19 Polunsky, correct?

20 A. Yes, ma'am.

21 Q. Okay. And so on that -- the day of your  
22 execution, you can meet with your outside spiritual  
23 advisor for the time that you're still here at Polunsky?

24 A. Yes, ma'am.

25 Q. Okay. Did you take advantage of that, as

1 well?

2 A. Yes, ma'am.

3 Q. Okay. So on the day of the execution, you  
4 were able to meet with the reverend in the morning for  
5 some time and then again for the time that he visited  
6 you in the holding area at the Huntsville Unit?

7 A. Yes, ma'am.

8 Q. Okay. When you were here at the Huntsville  
9 Unit, were you able to bring your beads with you?

10 A. They were in my property.

11 Q. Okay.

12 A. I didn't know if I could ask for them. Nobody  
13 volunteered that information.

14 Q. Okay. So when the chaplain talked to you, did  
15 he explain that you needed to create some kind of phone  
16 list so that he could help you make your phone calls?

17 A. Actually, that was told to me weeks in  
18 advance.

19 Q. Okay. So do you turn that in, or do you leave  
20 that in your property and the chaplain grabs it for you?

21 A. It was -- it was in my property. It was -- I  
22 had it in an envelope with my dictionary. I have a  
23 large dictionary, and I told the chaplain to send the  
24 dictionary in the envelope. And he went to the property  
25 and -- I never saw him, but he brought the envelope

1 back.

2 Q. Okay. So when -- I think you mentioned before  
3 that Chaplain Jones came to the Polunsky Unit maybe a  
4 week ahead of the execution date and told you about the  
5 process a little bit?

6 A. Actually, he visited -- I would say he  
7 probably visited three, maybe four times.

8 Q. Okay.

9 A. But -- it wasn't just specifically me, but he  
10 visited all the men on -- on death watch.

11 Q. Okay. And during those visits, he was telling  
12 you about what to expect, what the process was going to  
13 be?

14 A. Yes, ma'am.

15 Q. And he told you, "Leave your phone list  
16 somewhere where I'm going to be able to find it in your  
17 property"?

18 A. Yes, ma'am.

19 Q. Okay. Did he say anything else that you might  
20 need from your property, to leave it at the top of the  
21 bag or something like that?

22 A. No, ma'am.

23 Q. Okay. You didn't ask for your beads and were  
24 denied. You just didn't realize that you could ask for  
25 them. Is that right?

1 A. That is correct.

2 Q. Okay. So, going forward, if someone tells you  
3 you'll be permitted to have those or maybe -- do you  
4 have a religious text in your property?

5 A. I do have a religious text, yes, ma'am.

6 Q. Okay. If someone told you, "If there's  
7 something that you're going to want, leave it at the top  
8 of the bag and the chaplain will get that for you," what  
9 would you request to have, if anything?

10 A. I would request my beads.

11 Q. Okay. And I'm not saying that they will allow  
12 that. You know, there might -- I'm sure there's rules  
13 about what someone can have in that holding area.

14 A. Yes, ma'am.

15 Q. But a religious text, is that something that  
16 you would want to have?

17 A. I would say yes. Yes.

18 Q. Okay. If you're not able to have your beads  
19 in the holding area at the Huntsville Unit, is there  
20 another way that you can recite your phrase and be able  
21 to focus yourself, even though you won't have the beads  
22 to be able to do that with?

23 A. Yes, ma'am. The -- the beads are more or less  
24 just a way of keeping track of -- of how long I've been  
25 doing it, because, like I said, it's 108 beads. So I

1 know if I go all the way through, that's 108  
2 recitations.

3 Q. Okay. You used the term "death watch" before.  
4 Can you tell me what that means?

5 A. All the men who have execution dates are  
6 segregated from the rest of death row, and we're placed  
7 on a section -- a housing section by ourselves. And we  
8 call that death watch.

9 Q. Okay. You spoke to me before about -- about  
10 5:00 o'clock is when the phone calls are cut off, and at  
11 that point you're just kind of waiting and the chaplains  
12 came to talk to you. Is that right?

13 A. Yes, ma'am.

14 Q. And you said before there was two during that  
15 time period. Is that right?

16 A. Yes, ma'am.

17 Q. Okay. Can you give me any details about them  
18 to help me figure out who that might have been? What --

19 A. The first --

20 Q. I'm sorry.

21 A. The first two were the -- the director and the  
22 Walls Unit chaplain.

23 Q. Okay.

24 A. Those were the first two.

25 Q. And by "first two," do you mean that those



1 were two of the chaplains that were talking to you from  
2 about 5:00 o'clock onward?

3 A. They -- yes, ma'am.

4 Q. Okay. From the 5:00 o'clock onward time  
5 period, did other chaplains come by, as well, to talk to  
6 you?

7 A. Yes, ma'am.

8 Q. Okay.

9 A. Basically what they would do is they -- they  
10 set up two chairs outside the cell, and just -- they  
11 would speak for a little while. And then one of them  
12 would get up and perhaps go get something to drink, and  
13 one of the other chaplains would come back. So there  
14 was -- almost always was two chaplains at all times  
15 there.

16 Q. Okay. You testified earlier that you felt  
17 like their role was to keep you calm. Did you feel like  
18 maybe they were just trying not to let you be alone so  
19 that you would have someone to talk to if you wanted to  
20 during that critical time?

21 A. Yes, ma'am.

22 Q. Okay. Did they ask you a lot of questions to  
23 try to figure out things that you might want to talk  
24 about?

25 A. No, ma'am, it wasn't a lot of questions, but

1 they -- just general questions, you know, that would  
2 lead to more conversation.

3 Q. Okay. And you testified earlier that they had  
4 asked you about maybe your family and your background  
5 and how you grew up as a youth, things like that, right?

6 A. Yes, ma'am.

7 Q. Okay. Did you at some point explain to them  
8 the difference between Buddhism and Taoism?

9 A. I don't think so.

10 Q. Okay. Do you recall that being something that  
11 you talked about maybe -- maybe not in the 5:00 o'clock  
12 hour, but earlier in the day?

13 A. I'm not sure.

14 Q. Okay.

15 A. That would have been very brief. If I did  
16 speak of that, it might have been just a brief  
17 comparison.

18 Q. Okay.

19 A. So I don't recall that conversation, no,  
20 ma'am. I'm not denying it. I just don't recall because  
21 it was so brief.

22 Q. Understood.

23 You mentioned earlier that -- you were  
24 referring to two chaplains, that they were both  
25 Christian chaplains. How do you know what their

1 **personal faith is?**

2 A. At one point, they did specifically tell me  
3 what their church was. I can't recall what it was, but  
4 they -- they did mention specifically what -- what their  
5 faith was.

6 Q. Was that during a conversation where you were  
7 telling them about how you believed in Buddhism and what  
8 those beliefs were and then they said, "My church is  
9 'X'?"

10 A. Right, yes.

11 Q. Is that somewhat how the conversation went?

12 A. Yes, ma'am.

13 Q. Okay.

14 MS. O'LEARY: Okay, Mr. Murphy. Thank  
15 you so much for answering all my questions today.  
16 Hopefully the court reporter didn't get too frustrated  
17 with us.

18 That's all I have. Those are all the  
19 questions I have, so I'll pass the witness.

20 MR. NEWBERRY: I'm going to need to speak  
21 with him for a few minutes, however we need to  
22 accomplish that.

23 (Break from 10:22 a.m. to 10:27 a.m.)

24 \*

25 \*

\*

E X A M I N A T I O N

BY MR. NEWBERRY:

Q. Mr. Murphy, I just have a couple of questions.  
The first one: Obviously, we talked a lot about  
Reverend Hui-Yong today. Is it possible that he's known  
in the TDCJ records by another name?

A. Yes. He's known as Gerald Sharrock.

Q. So any visitation records indicating you  
visited Gerald Sharrock would be visits with who'd been  
referred to as Reverend Hui-Yong today?

A. Yes, sir.

Q. Okay. Also, on March 28th, there's been a lot  
of focus on the time between 5:00 and 6:00 p.m. Was  
that the only time during that period when you were at  
the Walls Unit that you interacted with the chaplains?

A. No. The chaplains -- I interacted with the  
chaplains from -- I can't remember the exact time when  
the director and the warden came in to speak to me, but  
there was a group of official witnesses that came in  
with the warden who spoke to me about what the procedure  
was and what to expect.

And this was -- I'm going to say there was  
at least six or more men in this group. One of them was  
the media director. Okay? And that was when they --  
the warden actually asked me if I would make a written

1 statement, if I was going to prepare a final statement,  
2 if I would write it down. And I said, "Yes, I  
3 definitely will write it down for you."

4 Then once they left -- and I'm going to  
5 say that was probably between -- sometime between 1:30  
6 and 2:00 o'clock when they came in. But from that point  
7 on, all the way up till, I'd say, 7:30, there was almost  
8 always a chaplain there, at least one, to help me.

9 **Q. 7:30 p.m.?**

10 A. About 7:30 p.m., I noticed that they -- about  
11 that time range, I noticed they left. And then one of  
12 the guards who was -- worked in the death house, he came  
13 and sat with me and talked to me for a while. As a  
14 matter of fact, he was talking to me up until the warden  
15 came back and told us that I had a stay.

16 **Q. Okay. So just to kind of clear things up, you**  
17 **said that there was a chaplain around all the way, you**  
18 **think, from before 2:00 until 7:30?**

19 A. Yes, sir.

20 **Q. Would that include the time when you were with**  
21 **Hui-Yong, or were they elsewhere then?**

22 A. They -- they were not present when I was  
23 speaking with the reverend.

24 **Q. Do you remember about how long after you**  
25 **finished talking with him that one or more of the**

1 **chaplains returned?**

2 A. Can I clarify something --

3 **Q. Yes.**

4 A. -- briefly? I don't know if y'all are aware  
5 of this, but when you have a chaplain's visit in the  
6 death house, they move you from one cell to another  
7 cell. Okay? The cell that I was moved to has heavy  
8 steel screen mesh welded onto the bars so that we  
9 can't -- there's no contact.

10 I was moved to this cell for -- for my  
11 visit with the reverend. Then after he left, I was  
12 moved back to the other cell, which was open bars.  
13 Okay? And then once I was moved, then the chaplains  
14 came back to -- to assist me.

15 **Q. And do you remember when that would have been**  
16 **that you were moved? Would it have been at 4:00 or --**

17 A. Well, the reverend visited me at 3:00 o'clock,  
18 so I was -- I was moved a few minutes before 3:00. And  
19 he left about 3:30, and that was -- I was moved back to  
20 the other cell.

21 **Q. So you talked about this holding cell that you**  
22 **saw Reverend Hui-Yong in. Were you in that area when**  
23 **you interacted with any of the other chaplains?**

24 A. No, sir, just strictly when the reverend was  
25 there.

1           **Q.    You were only in there for that 30-minute**  
2 **period?**

3           A.    Yes, sir.

4                   MR. NEWBERRY:   Okay.   That's all the  
5 questions I have.

6                   MS. O'LEARY:   I have no further  
7 questions.

8                           (The deposition concluded at 10:31 a.m.)  
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WITNESS CORRECTIONS AND SIGNATURE

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1 I, PATRICK HENRY MURPHY, JR., have read the  
2 foregoing deposition and hereby affix my signature that  
3 same is true and correct, except as noted above.

4  
5 \_\_\_\_\_  
6 PATRICK HENRY MURPHY, JR.

7  
8 STATE OF \_\_\_\_\_ \*

9 COUNTY OF \_\_\_\_\_ \*

10  
11 Before me, \_\_\_\_\_, on this  
12 day personally appeared PATRICK HENRY MURPHY, JR., known  
13 to me (or proved to me under oath or through  
14 \_\_\_\_\_) (description of identity card or  
15 other document) to be the person whose name is  
16 subscribed to the foregoing instrument and acknowledged  
17 to me that they executed the same for the purposes and  
18 consideration therein expressed.

19 Given under my hand and seal of office on  
20 this, the \_\_\_\_\_ day of \_\_\_\_\_, 2019.

21  
22 \_\_\_\_\_  
23 NOTARY PUBLIC IN AND FOR THE  
24 STATE OF \_\_\_\_\_  
25

REPORTER'S CERTIFICATE

I, KERRIENNE L. BOND, CSR, hereby certify that this transcript is a true record of the testimony given by the witness named herein, after said witness was duly sworn by me.

I further certify that I am neither attorney nor counsel for, related to, nor employed by any of the parties to the action in which this testimony was taken. Further, I am not a relative or employee of any attorney of record in this cause, nor do I have a financial interest in the action.

Certified to by me on July 3, 2019.



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